

Order

Michigan Supreme Court
Lansing, Michigan

October 1, 2010

Marilyn Kelly,
Chief Justice

140843

Michael F. Cavanagh
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway
Alton Thomas Davis,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 140843
COA: 295449
Wayne CC: 06-003164-FH

CHRISTOPHER TWICHELL,
Defendant-Appellant.

On order of the Court, the application for leave to appeal the March 15, 2010 order of the Court of Appeals is considered and, pursuant to MCR 7.302(H)(1), in lieu of granting leave to appeal, we VACATE the defendant's convictions under MCL 750.145c(2), and we REMAND this case to the Wayne Circuit Court for proceedings consistent with this Court's opinion in *People v Hill*, 486 Mich 658 (2010).

CORRIGAN, J. (*concurring*).

I concur in the order vacating defendant's convictions because this course of action is consistent with the majority opinion in *People v Hill*, 487 Mich 658 (2010). I write separately only to reiterate my disagreement with that majority opinion—which I conclude incorrectly interpreted MCL 750.145c(2)—as expressed by Justice YOUNG's dissenting opinion in *Hill*, which I joined.

YOUNG, J. (*concurring*).

Although I recognize that this Court's decision in *People v Hill*, 487 Mich 658 (2010), controls the interpretation of MCL 750.145(c), I continue to adhere to the position stated in my dissenting opinion in that case that, like defendant here, a person who makes copies of child pornography thereby "produces" or "makes" child sexually abusive material sufficient to sustain a conviction under MCL 750.145(c)(2).



s0928

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

October 1, 2010

Corbin R. Davis

Clerk